

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DONALD HALL,	:	Case No. 1:02cv488
Petitioner,	:	
v.	:	Judge Spiegel
CHRISTOPHER YANAI, WARDEN,	:	Magistrate Judge Hogan
Respondent.	:	

**WARDEN YANAI'S RESPONSE TO
THIS COURT'S JANUARY 3, 2005 ORDER TO SHOW CAUSE**

On July 29, 2004, this Court ordered Warden Yanai to produce a copy of the state-court sentencing hearing transcript. Warden Yanai did not respond. On January 3, 2005, this Court ordered the Warden to show cause why he failed to respond to the order. Warden Yanai now explains why no response was timely filed.

Respondent made two mistakes that resulted in the failure to respond to this Court's July 29, 2004 Order. First, Mr. Hall's case was inadvertently closed; therefore, activity on the case was not properly monitored. Second, Warden Yanai's counsel left the Office of the Ohio Attorney General and because the case was incorrectly closed, no replacement counsel entered an appearance on behalf of the Warden. The Court's July 29, 2004 Order was sent to Warden Yanai's former counsel, who is no longer employed at the Office of the Ohio Attorney General. The Warden did not learn of the Court's Order until January 4, 2005, when it was e-mailed to the Attorney General's office by former counsel.

The Warden apologizes for the error and for failing to respond to the Court's Order in a timely manner. The administrative mistakes have been corrected, and this case will be properly monitored.

The transcripts the Court seeks, however, no longer exist. The Warden attempted to locate a copy of those proceedings, but the Hamilton County Court of Common Pleas informs that the state-court transcripts regarding Mr. Hall's trial were destroyed pursuant to that office's retention policy. See Ex. A.

Respectfully submitted,

JIM PETRO
Attorney General

s/J. Joseph Bodine, Jr.
J. JOSEPH BODINE, JR.
Assistant Attorney General
Corrections Litigation Section
150 East Gay Street, 16th Floor
Columbus, Ohio 43215
(614) 644-7233

Trial Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2004, a copy of the foregoing WARDEN YANAI'S RESPONSE TO THIS COURT'S JANUARY 3, 2005 ORDER TO SHOW CAUSE was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/J. Joseph Bodine, Jr.
J. Joseph Bodine, Jr.
Assistant Attorney General